

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARCELLUS GILREATH <i>Plaintiff,</i> v. PAMELA MCGUINEA, et al. <i>Defendants.</i>	Case No.: 1:23-cv-00720-DAP Judge Dan Aaron Polster Magistrate Judge Jonathan D. Greenberg
REPORT OF PARTIES' PLANNING MEETING UNDER FED.R.CIV.P. 26(F) AND LR 16.3(B)(3)	

- Pursuant to Fed.R.Civ.P. 26(f) and LR 16.3(b)(3), a meeting was held on August 10–14, 2023, and was attended by:
Brian D. Bardwell, Counsel for plaintiff Marcellus Gilreath
Michael J. Stewart, Jake Elliott, Counsel for defendant(s) McGuinea, Cuyahoga County
- The parties:
_____ have not been required to make initial disclosures.
_____ have exchanged the pre-discovery disclosures required by Fed.R.Civ.P. 26(a)(1) and the Court's prior order;
X will exchange such disclosures by: August 18, 2023.
- The parties recommend the following track:
_____ Expedited X Standard _____ Complex
_____ Administrative _____ Mass Tort
- This case is suitable for one or more of the following Alternative Dispute Resolution (ADR) mechanisms:
Plaintiff's position is that the case is suitable for mediation. Defendants' position is that after initial CMC, may be suitable for mediation after a period of discovery.
_____ Early Neutral Evaluation _____ Mediation _____ Arbitration
_____ Summary Jury Trial _____ Summary Bench Trial
_____ Case not suitable for ADR

5. The parties _____ do X do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).
6. The parties agree that this case X does _____ does not involve electronic discovery.
7. Recommended Discovery Plan (Counsel are reminded to review the default standard for e-discovery set forth in Appendix K to the Local Rules):

- (a) Describe the subjects on which discovery is to be sought, the nature and extent of discovery and any potential problems:

**Plaintiff intends to conduct discovery on all claims and defenses.
Discovery is likely to focus in particular on the facts forming the basis
for probable cause supporting the criminal charges against him.**

**Defendant intends to conduct paper and deposition discovery concerning
the circumstances of Plaintiff's guilty plea in 2012 and alleged damages.**

- (b) Describe anticipated e-discovery issues (i.e., what ESI is available and where it resides; ease/difficulty and cost of producing information; schedule and format of production; preservation of information; agreements about privilege or work-product protection, etc.):

**Significant ESI—particularly email communications, relevant to
Cuyahoga County Job and Family Services—is maintained by the State
of Ohio.**

**Plaintiff expects to direct subpoenas for this evidence directly to the
State. Plaintiff will provide to Defendants all documents received in
response to subpoenas.**

- (c) Describe handling of expert discovery (i.e., timetable for disclosure of names and exchange of reports, depositions):

**To contain costs, Plaintiff proposes postponing expert discovery, with
experts—if necessary—to be identified within seven days of the Court's
has ruled on any motions for summary judgment, primary expert
reports to be exchanged 30 days after those rulings, responsive expert
reports due 45 days after those rulings, and expert depositions to be
completed 60 days after those rulings.**

**Defendants propose that Plaintiff's expert(s) and report(s) pursuant to
Fed.R.Civ.P. 26(a)(1)(B) to be served 90 days after the Court's ruling on
Defendants' pending motion to dismiss. Defendants' expert(s) and
report(s) pursuant to Fed.R.Civ.P. 26(a)(1)(B) to be served 120 days
after the Court's ruling on Defendants' pending motion to dismiss.
Expert depositions to be completed 180 days after Court's ruling on
Defendants' pending motion to dismiss.**

If the Court adopts Plaintiff's proposed expert discovery schedule,

Defendants reserve the right to identify and rely upon their own experts on summary judgment.

(d) Discovery Deadlines:

To avoid delays, Plaintiff proposes that the Court open discovery upon issuing a case-management order. Non-expert discovery should be completed within 120 days of that order, and expert discovery to be completed as laid out above.

Defendants propose that discovery be stayed pending the Court's ruling on Defendants' pending motion to dismiss. All discovery (except expert depositions) to be completed 120 days after Court's ruling on Defendant's' pending motion to dismiss. Expert depositions to be completed 180 days after Court's ruling on Defendants' pending motion to dismiss.

8. Recommended dispositive motion date:

Plaintiff proposes a dispositive-motion deadline of 14 days after the close of non-expert discovery.

Defendants propose 180 days after Court's ruling on Defendants' pending motion to dismiss.

9. Recommended cut-off for amending the pleadings and/or adding additional parties:

Plaintiff proposes cutting off amendments 90 days after discovery opens. Defendants propose September 15, 2023.

10. Recommended date for status hearing and/or final pretrial settlement conference:

Plaintiff proposes a final pretrial settlement conference on 14 days after the close of expert discovery.

Defendants propose a status conference on January 8, 2024.

11. Other matters for the attention of the Court:

12. Per the Court's order of July 24, 2023, Plaintiff made an initial demand on August 13, 2023. Defendants expect to submit a counteroffer within days.

Respectfully submitted,

/s/Brian D. Bardwell

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